

at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by the Bio-Vegetin Products Co., Inc., Chicago, Ill., from that place to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "V. M. * * * V. M. Products 500—510 North Dearborn St., Chicago, Ill."

Analysis showed that the article consisted essentially of plant material, including peanut hulls and seed coats, flax pods, flax stems, flax hulls, cornstarch, and mucilaginous material.

The article was alleged to be misbranded in that statements on the label and carton, contained in the circular, and borne on the card enclosed in the package, falsely and fraudulently represented that the article was effective, among other things, as a cure and remedy in the treatment of gastric and duodenal ulcer, peptic ulcer, gastric inflammations, hyperacidity, irritable colon, alcoholic stomachs, stomach and intestinal ailments, persistent nausea and vomiting, cramp-like pains, gastritis, ulcerative colitis; and that it was effective to provide a protective coating for inflamed surfaces of the stomach.

On December 30, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

25389. Misbranding of Red Heart Blood Tabs and Prescription 1000. U. S. v. Reese Chemical Co., a corporation, and George W. Reese. Pleas of nolo contendere. Fine, \$250 and costs. (F. & D. no. 33806. Sample nos. 46544-A, 46545-A, 46550-A.)

Unwarranted therapeutic and curative claims were made for these articles.

On December 18, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reese Chemical Co., a corporation, Cleveland, Ohio, and George W. Reese, its president, alleging shipment by them in violation of the Food and Drugs Act as amended, in the period from March 19, 1932, to July 27, 1933, from Cleveland, Ohio, to various places in other States, of quantities of Red Heart Blood Tabs and Prescription 1000, which were misbranded. The articles were labeled in part: (Bottle) "Blood Tabs Blood and System Tonic * * * The Reese Chemical Co. Cleveland, Ohio", (carton) "Red Heart Blood Tabs"; (bottle) "Prescription 1000 Internal * * * Reese Chem. Co. Cleveland, O.", (bottle) "For External Use Only Prescription 1000."

Analyses showed that the Red Heart Blood Tabs were sugar and lime carbonate-coated pills that consisted essentially of an iron compound, small proportions of zinc phosphide, plant extractives including nux vomica and an emodin-bearing drug and capsicum; that the Prescription 1000 Internal consisted essentially of copaiba, santal oil, methyl salicylate, a small proportion of alkali and water; and that the Prescription 1000 External consisted essentially of potassium permanganate (0.1 percent) and water (99.9 percent).

Misbranding of the Red Heart Blood Tabs was charged under the allegation that the labels of the bottles and cartons and a circular enclosed in the packages bore and contained certain statements that were false and fraudulent, to wit, that the article was effective, among other things, as a blood, nerve, and system tonic; effective as a treatment for lack of ambition and blood and nerve troubles; effective to supply vim, ambition, zip, strength, punch, fight, energy, youth, and pep to the system, to stimulate self-confidence, and to increase health and strength; and effective as a treatment for run-down condition.

Misbranding of Prescription 1000 Internal was charged under the allegation that the labels of the bottles and cartons and a leaflet and a circular enclosed in the package bore and contained certain statements that were false and fraudulent, to wit, that the article was effective, among other things, as a treatment, remedy, and cure for gonorrhea; and effective when used alone or in connection with Prescription 1000 External as a treatment, remedy, and cure for gonorrhea.

Misbranding of Prescription 1000 External was charged under the allegation that the labels on the bottles and cartons and a leaflet and a circular enclosed in the package bore and contained certain statements that were false and fraudulent, to wit, that the article was effective, among other things, as a treatment, remedy, and cure for gonorrhea; and effective when used alone or in connection with Prescription 1000 Internal as a treatment, remedy, and cure for gonorrhea.

On March 21, 1936, pleas of nolo contendere having been entered, a fine of \$250 was imposed and costs were awarded against the defendants.

The court filed a memorandum as follows:

West, Judge: In six counts of an information the defendants are charged with violations of the Pure Food and Drugs Act by shipping from Cleveland to points in West Virginia, Louisiana, and Texas, consignments of medicines falsely labeled and misbranded. These appear to be so-called Red Heart Blood Tabs and a drug labeled "Prescription 1000" for internal and external use. It is charged that the labels and accompanying literature contain exaggerated and false claims as to the curative properties of the drugs, which are unnecessary to recite. Count No. 4 is dismissed by the government. To the remaining five counts the plea of the defendants is *nolo contendere*. Each count alleges a second offense by pleading the defendants' former conviction in this court in May 1917, when a small fine was assessed. Part of the shipments at least were seized, confiscated, and destroyed, no claimant appearing. Defendants claim to have taken the advice of counsel with respect to their labels and advertising, which they say has been changed at times in order to conform to their understanding of the law. However, the plea entered makes it unnecessary to consider these matters, except perhaps as they may tend to mitigate punishment.

This is a peculiarly obnoxious method of defrauding the public, and in view of the former conviction, the court thinks a substantial penalty should be imposed. The sentence of the court is that the defendants on each of the remaining five counts pay a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25390. Misbranding of Maison's Cresol Solution. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 34009. Sample no. 4260-B.)

This case involved a drug preparation the labeling of which contained unwarranted antiseptic and disinfectant claims.

On May 14, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company, under the name of Maison Labs., Co., in violation of the Food and Drugs Act on or about July 3, 1934, from the State of Ohio into the State of Missouri, of a quantity of Maison's Cresol Solution which was misbranded.

The article was alleged to be misbranded in that the statements on the label, "Antiseptic disinfectant * * * ¼ per cent solution—(one teaspoonful to two quarts) in warm water", borne on the bottle label, were false and misleading in that the said statements represented that the article was antiseptic and disinfectant when used as directed; whereas it was not antiseptic and disinfectant when used as directed. The information also charged adulteration and misbranding of the article in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1451 published under that act.

On March 27, 1936, a plea of *nolo contendere* was entered on behalf of defendant company and the court imposed a fine of \$50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

25391. Adulteration and misbranding of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P. U. S. v. The Pennex Products Co., Inc., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth. Pleas of nolo contendere. Defendant corporation fined \$50 and costs awarded against it. Each of the individual defendants fined \$25. (F. & D. no. 35918. Sample nos. 23651-B to 23655-B, incl.)

The labels of these articles erroneously represented that they were of pharmacopoeial standard. The labels of the essence of peppermint and of the spirit of camphor failed to state correctly the proportion of alcohol contained, and the essence of peppermint was misbranded in that denatured alcohol had been substituted for alcohol.

On November 13, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pennex Products Co., Inc., Pittsburgh, Pa., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth, alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from November 12, 1934, to January 28, 1935, from Pittsburgh, Pa., to Youngstown, Ohio, of quantities of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P., which were both adulterated and misbranded.